

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-10-03

WHEREAS, **FUNERAL SERVICES ACQUISITION GROUP, INC.** had applied to
Community Zoning Appeals Board 9 for the following:

GU to IU-1

SUBJECT PROPERTY: Tract 33 and portions of Tracts 34 and 35 of FLORIDA FRUIT LANDS COMPANY' S SUBDIVISION NO. 1 of Section 29, Township 53 South, Range 40 East, Plat book 2, Page 17. TOGETHER WITH: A portion of LAKESIDE MEMORIAL PARK NEGEV GARDENS, Plat book 90, Page 45, and a portion of LAKESIDE MEMORIAL PARK AKIBA GARDENS, Plat book 142, Page 6 and including all of LAKESIDE MEMORIAL PARK SAMARIA GARDENS, Plat book 142, Page 9, being more particularly described as follows:

Begin at the center of said Section 29; thence run S1°26' 22"E, along the east line of the SW ¼ of said Section 29, for 329.66' ; thence N89°55' 0"W for 55.84' ; thence S1°26' 22"E for 15.71' (the previous two courses were coincident with a portion of the N/ly boundary of LAKESIDE MEMORIAL PARK GALILEE GARDENS, Plat book 91, Page 3; thence west, along the aforesaid N/ly boundary and along the N/ly boundary of said LAKESIDE MEMORIAL PARK NEGEV GARDENS 332.95' ; thence south, in part, along the W/ly boundary of said LAKESIDE MEMORIAL PARK NEGEV GARDENS, for 317.14' ; thence west for 920.79' ; thence N1°24' 6"W, along the west line of the east ½ of the SW ¼ of said Section 29, for 664.68' ; thence S89°54' 22"E, along the north line of the SW ¼ of said Section 29, for 1,317.16' to the Point of beginning.

LOCATION: Lying on the west side of theoretical N.W. 102 Avenue and south of N.W. 33 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 9 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 9 that the requested district boundary change to IU-1 would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the

development of Miami-Dade County, Florida, and was denied and said application was denied by Resolution No. CZAB9-7-03, and

WHEREAS, FUNERAL SERVICES ACQUISITION GROUP, INC. applied to the Board of County Commissioners for the following:

GU to IU-1

SUBJECT PROPERTY: Tract 33 and portions of Tracts 34 and 35 of FLORIDA FRUIT LANDS COMPANY' S SUBDIVISION NO. 1 of Section 29, Township 53 South, Range 40 East, Plat book 2, Page 17. TOGETHER WITH: A portion of LAKESIDE MEMORIAL PARK NEGEV GARDENS, Plat book 90, Page 45, and a portion of LAKESIDE MEMORIAL PARK AKIBA GARDENS, Plat book 142, Page 6 and including all of LAKESIDE MEMORIAL PARK SAMARIA GARDENS, Plat book 142, Page 9, being more particularly described as follows:

Begin at the center of said Section 29; thence run S1°26' 22"E, along the east line of the SW ¼ of said Section 29, for 329.66' ; thence N89°55' 0"W for 55.84' ; thence S1°26' 22"E for 15.71' (the previous two courses were coincident with a portion of the N/ly boundary of LAKESIDE MEMORIAL PARK GALILEE GARDENS, Plat book 91, Page 3; thence west, along the aforesaid N/ly boundary and along the N/ly boundary of said LAKESIDE MEMORIAL PARK NEGEV GARDENS 332.95' ; thence south, in part, along the W/ly boundary of said LAKESIDE MEMORIAL PARK NEGEV GARDENS, for 317.14' ; thence west for 920.79' ; thence N1°24' 6"W, along the west line of the east ½ of the SW ¼ of said Section 29, for 664.68' ; thence S89°54' 22"E, along the north line of the SW ¼ of said Section 29, for 1,317.16' to the Point of beginning.

LOCATION: Lying on the west side of theoretical N.W. 102 Avenue and south of N.W. 33 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

- (1) That said Property shall be developed substantially in accordance with the plans previously submitted prepared by Rodriguez, Pereira Architects, Inc. entitled Beacon at Doral dated the 5th day of June 2003, (" Site Plan") being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
- (2) That the Owner agrees that the Property shall not be used for the following uses presently allowed under zoning district IU-1:

- Adult entertainment uses as defined in Section 33-259.1 subject to all the restrictions and spacing requirements contained in said Section 33-259.1.
 - Adult bookstores
 - Adult entertainment club
 - Adult modelling establishments
 - Adult theatres
 - Adult video store
 - Encounter studio
 - Massage establishment
- Aircraft hangers, aircraft assembling and manufacturing but aircraft repair stations and offices shall be an allowed use and not subject to the restrictions of this section of this Covenant.
- Animal hospitals within soundproof, air-conditioned buildings.
- Animal hospitals within soundproof, air –conditioned buildings.
- Armories, arsenals.
- Auditoriums.
- Auto painting, top and body work.
- Automobile and truck sales for new and/or used vehicles including as ancillary uses automobile and truck rentals, wholesale distribution and automobile repairs.
- Automobile repairs.
- Truck rentals and wholesale distribution, but automobile rentals or wholesale distribution for automobiles shall be an allowed use and not subject to the restrictions of this section of this covenant.
- Bait and tackle shop.
- Blacksmith, gas steam fitting shops.
- Boat or yacht repairing or overhauling, or boat building.
- Boat slips used for the tying up of boats for the purpose of overhauling or repairing.
- Bottling plants.
- Brewery.
- Bulk Oxygen storage and filling of cylinders.

- Canning factories.
- Cold storage warehouses and pre-cooling plants.
- Commercial chicken hatcheries.
- Confectionery, ice cream stores, and dairy stores.
- Contractors' yards, but contractor's offices and indoor storage shall be an allowed use and not subject to the restrictions of this section of this Covenant.
- Dredging base or place where dredging supplies are kept and where dredges or boats or machinery are stored, repaired or rebuilt.
- Dry cleaning and dyeing plants.
- Engine sales and service, gas, oil, steam, etc.
- Fertilizer storage.
- Food products, including the grinding, cooking, roasting, preserving, drying, smoking or airing of meats, fish, fruits, or vegetables (where more than five (5) persons are employed on premises).
- Garages-storage mechanical, including trucks, buses, heavy equipment.
- Grinding shops.
- Grocery stores, supermarkets, fruit stores, health food stores, meat and fish markets and other similar food stores.
- Hotel and motel use (freestanding); the use shall comply fully with all provisions, pertaining to the use of the RU-4A District.
- Insecticides, mixing, packaging, and storage.
- Ice manufacturing.
- Liquor package stores.
- Livery stables, for riding clubs or a stable for sheltering horses.
- Lumber yards
- Marine warehouses.
- Mattress manufacturing and renovating.
- Membership warehouses.

- Metalizing processing.
 - Milk or ice distributing station from which extensive truck or wagon deliveries are customarily made.
 - Parking lots-commercial and non-commercial.
 - Passenger and freight-stations and terminals-boats, trucks, buses, and railroads.
 - Power or steam laundries.
 - Religious facilities.
 - Shipyards and dry docks.
 - Taxidermy.
 - Textile, hosiery, and weaving mills.
 - Vulcanizing.
 - Welding shops.
 - Welding supplies.
 - Wood and coal yards.
- (3) That refrigerated trucks shall not be allowed on the Property.
- (4) That waste pick-up service shall not be permitted on the Property between 9:00 p.m. and 7:00 a.m. (hereinafter " Prohibited Time") except to the extent that any applicable, law or regulation mandates pick-up of waste during the Prohibited Time or otherwise pick-up of waste is available to the Property only during the Prohibited Time.
- (5) That the Property shall be subject to and comply with any current State and Local noise and nuisance restrictions (" Noise Restrictions") applicable to the Property subject to any amendment or repeal thereto. The Property shall be subject to any new Noise Restrictions or any amended Noise Restrictions, Local, State, or Federal that affects the Property whether in existence at the time of recordation of the Declaration or that may exist in the future. The Property shall comply with the requirements of any such Noise Restrictions notwithstanding " grandfather provisions", non-conforming use statutes or other applicable exemptions.
- (6) Trucks, as herein defined, shall not be allowed on the Property except as specifically allowed herein. For all purposes of this section of this covenant a Truck (Truck) shall be defined as a heavy duty motorized vehicle with more than three (3) axles, with a cab and separate trailer used for hauling property. Notwithstanding

the above Trucks shall be allowed on the Property as necessary for the following purposes:

- A. Public and essential services such as: trash pickup, delivery trucks, road work, water and sewer, electric and phone, fire, police, and medical emergencies, environmental; and
- B. Repairs, maintenance and construction with respect to the Property or any improvements, which may be constructed on the Property at any time.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 9 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons specified in the appeal were sufficient to merit a reversal of the ruling made by Community Zoning Appeals Board 9 in Resolution No CZAB9-7-03 and that the appeal should be approved and the decision of Community Zoning Appeals Board 9 should be overruled, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions, to grant the appeal, and to overrule the decision of Community Zoning Appeals Board 9 was offered by Commissioner Jose "Pepe" Diaz, seconded by Commissioner Rebeca Sosa, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	aye	Dorrin D. Rolle	aye
Betty T. Ferguson	aye	Natacha Seijas	aye
Sally A. Heyman	absent	Katy Sorenson	absent
Joe A. Martinez	aye	Rebeca Sosa	aye
Jimmy L. Morales	absent	Javier D. Souto	aye
Chairperson Barbara M. Carey-Shuler		aye	

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby granted and the decision of Community Zoning Appeals Board 9 is overruled.

BE IT FURTHER RESOLVED that Resolution No. CZAB9-7-03 is hereby null and void.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 19th day of June, 2003, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 03-3-CZ9-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida
By **KAY SULLIVAN**
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 14TH DAY OF JULY, 2003.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

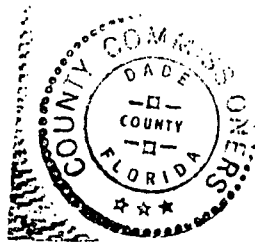
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-10-02 adopted by said Board of County Commissioners at its meeting held on the 19th day of June, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 14th day of July, 2003.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

□ 111 NW 1 STREET, SUITE 1210
MIAMI, FLORIDA 33128
(305) 375-2800

PERMITTING AND INSPECTION OFFICE

11805 S.W. 26 Street
MIAMI, FLORIDA 33175

- IMPACT FEE SECTION
(786) 315-2670 • SUITE 145
- ZONING INSPECTION SECTION
(786) 315-2660 • SUITE 223
- ZONING PERMIT SECTION
(786) 315-2666 • SUITE 106
- ZONING PLANS PROCESSING SECTION
(786) 315-2650 • SUITE 113

July 17, 2003

Funeral Services Acquisition Group, Inc.
c/o Alfredo Gonzalez
2601 South Bayshore Drive, Suite 1600
Miami, Florida 33133

Re: Hearing No. 03-3-CZ9-1
Location: Lying on the west side of theoretical N.W. 102 Avenue
and south of N.W. 33 Street, Miami-Dade County, Florida

Dear Appellant:

Enclosed herewith is Resolution No. Z-10-03, adopted by the Board of County Commissioners, which approved your appeal and reversed the decision of Community Zoning Appeals Board 9 on the above-described property.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of \$500.00.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

Application for necessary permits and/or Certificate of Occupancy permits should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

Please note that a [Unity of Title, cross-access, or other] agreement suitable for recording, should be submitted to this Department prior to building permit issuance.

You are hereby advised that the decision of the Miami-Dade County Commission may be appealed by an aggrieved party within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. You are further advised that in the event that an appropriate appeal is timely filed in the Circuit Court any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Legal Counsel

Enclosures